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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/611,599  | 07/01/2003  | David Michael Miller | MS1-1527US          | 6158             |
| 22801   | 7590        | 08/22/2007           | EXAMINER            |                  |
| LEE & HAYES PLLC<br>421 W RIVERSIDE AVENUE SUITE 500<br>SPOKANE, WA 99201 |             |                      | OSMAN, RAMY M       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2157                |                  |
|   |             |                      | MAIL DATE           | DELIVERY MODE    |
|   |             |                      | 08/22/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/611,599

Applicant(s)

MILLER ET AL.

Examiner

Ramy M. Osman

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is responsive to amendment filed on June 1, 2007, where applicant amended claims 1,6,10,16,20, and cancelled claim 19. Claims 1-18,20-22 are pending.

### ***Response to Arguments***

2. Applicant's amendments filed on 6/1/2007 and Applicants arguments in view of said amendments have been fully considered and are found to be persuasive. The previous rejections are withdrawn. However, a new grounds of rejection is presented below, in light of the amended claims, and based upon newly found art presented below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-18,20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Lango et al (US Patent No 6,813,690) in view of Gokturk et al (US Patent No 7,203,356).**

5. In reference to claim 1, Lango teaches a method for communicating object data comprising:

generating a hash value based on object data, wherein the object data includes metadata descriptive of the object data, and wherein the metadata includes a type field indicating an object type which has been selected by a user of a local computer (column 16 lines 27-50);

storing the object data at a storage location, wherein the object data at the storage location is represented by an object name having the hash value and a location identifier identifying the storage location (column 13 line 59 – column 14 line 15); and

returning the object name having the hash value and the location identifier identifying the storage location to the user, the object name enabling the user to access the object data including the object type which has been selected by the user (column 6 lines 27-50).

Lango fails to explicitly teach wherein the object is selected by a user of a local computer to represent the user during instant messaging. However, Gokturk teaches a user selecting an avatar for use in an IM application and wherein the avatar is stored as an object in a table for the purpose of referencing an object name and saving bandwidth by not having to reference the actual avatar image. It would have been obvious for one of ordinary skill in the art to modify Lango wherein the object is selected by a user of a local computer to represent the user during instant messaging as per the teachings of Gokturk for the purpose of referencing an object name and saving bandwidth by not having to reference the actual avatar image.

6. In reference to claim 2, Lango teaches a method as recited in claim 1 further comprising: receiving a request for the object data, the request including the object name; and retrieving the object data from a local cache based on the hash value (column 15 lines 22-40).

7. In reference to claim 3, Lango teaches a method as recited in claim 1 further comprising: receiving a request for the object data, the request including the object name; and in response to

receiving the request, retrieving the object data from the location using the location identifier (column 15 lines 22-40).

8. In reference to claim 4, Lango teaches a method as recited in claim 1 further comprising: receiving a request for the object data, the request including the object name (column 15 lines 22-40); and determining whether the requested object data is in a local cache based on the hash value; and if the requested object data is in the local cache, retrieving the object data from the local cache, otherwise, retrieving the requested object data from the location identified by the location identifier (column 16 lines 35-67).

9. In reference to claim 5, Lango teaches a method as recited in claim 4 wherein the retrieving the requested object data from the location identified by the location identifier comprises: retrieving the requested object data from network storage (column 16 lines 35-50).

10. In reference to claim 6, Lango teaches a method as recited in claim 4 wherein the retrieving the requested object data from the location identified by the location identifier comprises: retrieving the requested object data from a local file system (column 16 lines 35-50).

11. In reference to claim 7, Lango teaches a method as recited in claim 4 wherein the retrieving the requested object data from the location identified by the location identifier comprises: retrieving the requested object data from a remote file system. (column 16 lines 35-50)

12. In reference to claim 8, Lango teaches a method as recited in claim 7 wherein the retrieving the requested object data from a remote file system comprises: accessing the remote file system via a peer-to-peer connection (column 16 lines 35-50).

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13. In reference to claim 9, Lango teaches a method as recited in claim 7 wherein the retrieving the requested object data from a remote file system comprises: accessing the remote file system via a connection through a switchboard server (column 16 lines 35-50).

14. In reference to claims 10-15, claims 10-15 are computer readable medium claims that correspond to the method claims of claims 1-9. Therefore, claims 10-15 are rejected based upon the same rationale as the rejections of claims 1-9.

15. In reference to claim 16, Lango teaches a system for managing objects representing users in an instant messaging conversation, the system comprising:

a data object, the data object includes metadata descriptive of the data object, and wherein the metadata includes a type field indicating an object type which has been selected by a user of a local computer to represent the user during instant messaging, the data object having an object name including a location identifier and a hash value (column 16 lines 27-50); and

an object store operable to retrieve the data object from a location identified by the location identifier and store the data object in a local cache based on the hash value, such that the object type which has been selected by the user (column 14 lines 35-55 and column 16 lines 27-50).

Lango fails to explicitly teach wherein the object is selected by a user of a local computer to represent the user during instant messaging. However, Gokturk teaches a user selecting an avatar for use in an IM application and wherein the avatar is stored as an object in a table for the purpose of referencing an object name and saving bandwidth by not having to reference the actual avatar image. It would have been obvious for one of ordinary skill in the art to modify Lango wherein the object is selected by a user of a local computer to represent the user during

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instant messaging as per the teachings of Gokturk for the purpose of referencing an object name and saving bandwidth by not having to reference the actual avatar image.

16. In reference to claim 17, Lango teaches a system as recited in claim 16 wherein the object name further comprises a creator identifier identifying a creator of the data object (column 6 lines 40-67).

17. In reference to claim 18, Lango teaches a system as recited in claim 16 further comprising a transport protocol stack enabling the object store to retrieve the data object from a remote storage location over a peer-to-peer connection (column 8 lines 10-30).

18. In reference to claim 20, Lango teaches a system as recited in claim 19 wherein the metadata comprises: a friendly name field; a type field indicating a type of data object; and a hash value based on the metadata (column 16 lines 30-50).

19. In reference to claim 21, Lango teaches a system as recited in claim 16 wherein the location identifier comprises a uniform resource locator (URL) (column 12 lines 13-40).

20. In reference to claim 22, Lango teaches a system as recited in claim 16 wherein the location identifier comprises a uniform resource identifier (URI) (column 12 lines 13-40).

### ***Conclusion***

21. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

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22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO

August 14, 2007

  
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